

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

## BRENNAN LOVE BALL

) CASE NO. 1:19-cv-00691-KLL

Plaintiff,

JUDGE MICHAEL B. BARRETT

V

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## UPSHIFT WORK LLC

) LITKOVITZ

Defendant.

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) **PROTECTIVE ORDER**

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## UPSHIFT WORK LLC

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Defendant.

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Plaintiff, Brennan Love Ball, and Defendant, Upshift Work LLC, have agreed to the terms of this Proposed Protective Order, accordingly, it is ORDERED:

1. **Scope.** Documents (including electronically stored information) that constitute Plaintiff's medical records, financial and tax records, employment and benefit records, and health information shall be considered confidential under this Order. This Order is also subject to the Local Rules of this Court and the Federal Rules of Civil Procedure on matters of procedure and calculation of time periods.

## 2. Protection of Confidential Material.

(a) **General Protections.** Confidential documents under this Order shall not be used or disclosed by the parties, counsel for the parties or any other person for any purpose whatsoever other than to prepare for and to conduct discovery, any hearing and trial in this action, including any appeal thereof.

(b) **Limited Third-Party Disclosures.** The parties and counsel for the parties shall not disclose or permit the disclosure of any confidential documents to any third person or entity except for the following: counsel for the parties, including employees and agents of

counsel; the parties and employees of the parties; court reporters, videographers and recorders; and/or consultants, investigators and experts involved in this case.

3. **Challenges by a Party to a Document as Confidential.** The claimed confidentiality of any document is subject to challenge by any party or non-party with standing to object.

4. **Action by the Court.** Applications to the Court for an order relating to any confidential documents shall be by motion and any other procedures set forth in the presiding judge's standing orders or other relevant orders. Nothing in this Order or any action or agreement of a party under this Order limits the Court's power to make any orders that may be appropriate with respect to the use and disclosure of any documents produced or used in discovery or at trial.

5. **Filing Under Seal.** This Order does not authorize filing protected materials under seal. No document may be filed with the Court under seal without prior permission as to each such filing, upon motion and for good cause shown, including the legal basis for filing under seal. See *Procter & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219 (6th Cir. 1996). Unless the Court orders otherwise, all sealed documents shall be filed according to S. D. Ohio Civ. R. 5.2.1.

6. **Use of Confidential Documents or Information at Trial/Hearing.** All trials/hearings are open to the public. Absent order of the Court, there will be no restrictions on the use of any document that may be introduced by any party during the trial/hearing.

7. **Obligations at Conclusion of Litigation.**

(a) **Order Remains in Effect.** Unless otherwise agreed or ordered, this Order shall remain in force after dismissal or entry of final judgment not subject to further appeal.

(b) **Return of Confidential Documents.** One year after dismissal or entry of

final judgment not subject to further appeal, all documents treated as confidential under this Order shall be returned to Plaintiff

8. **Order Subject to Modification.** This Order shall be subject to modification by the Court on its own motion or on motion of a party or any other person with standing concerning the subject matter. Motions to modify this Order shall be served and filed under any applicable local rule and the presiding judge's standing orders or other relevant orders.

9. **No Prior Judicial Determination.** This Order is entered based on the representations and agreements of the parties and for the purpose of facilitating discovery. Nothing herein shall be construed or presented as a judicial determination that any documents or information designated considered confidential herein is subject to protection under Rule 26(c) of the Federal Rules of Civil Procedure or otherwise until such time as the Court may rule on a specific document or issue. Nor does this Order constitute a waiver of any party's rights to object to discovery on any grounds.

10. **Persons Bound.** This Order shall take effect when entered and shall be binding upon all counsel and their law firms, the parties, and persons made subject to this Order by its terms.

**SO ORDERED.**

*Karen L. Litkovitz*  
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UNITED STATES DISTRICT MAGISTRATE JUDGE  
KAREN L. LITKOVITZ